



2010

PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF THE STANDING ORDERS COMMITTEE

Government Responses to Committee Reports

Quorums

MEMBERS OF THE COMMITTEE

Hon. Michael Polley MP (Chair)
Hon Lara Giddings MP
Mr Rene Hidding MP
Mr Tim Morris MP
Mr Jeremy Rockcliff MP

INTRODUCTION

The Standing Orders Committee met on 24 June and 25 August 2010 to consider Government Responses to Parliamentary Committee Reports, the time the Division Bells are rung for forming Quorums and for the House to meet and a redundant Standing Order.

Joint Standing Committees on Community Development and Environment, Resources and Development

The Committee considered the matter of the re-establishment of the Joint Standing Committees on Community Development and Environment, Resources and Development. These Committees have been in existence as select Committees of the House of Assembly since 1994 and as Joint Committees of both Houses since 1998. The Committee was strongly of the opinion that they had been effective in their respective roles and should be re-appointed.

To make the operations of the Committees more effective the Committee also agreed there should be Government responses to those Committee's Report's recommendations. The recommended time for a Government Response is four months, which was considered a reasonable time for the Government to give a comprehensive response whilst the issues remain current.

Recommendation: That the Joint Standing Committees on Community Development and Environment, Resources and Development be re-established with the same Terms of Reference that the Committees had in the previous Parliament (set out as the Appendix to this Report) with the following additional Term of Reference:

(11) (a) A response by the Government to the recommendations contained in a Report of a Joint Standing Committee established in accordance with this Order shall be laid upon the Table of the House within four months of the Report having been brought up, provided, that should the Parliament not be sitting, the response may be lodged with the Clerk of each House for Tabling on the next sitting day.

(b) A response that is given to the Clerks under (a) is taken to have been published by order, or under the authority, of the Houses of Parliament.

Quorums and the time for the House to meet

The Committee considered time limits for the Division Bells to be rung for Quorums and for the House to meet, in light of some Members' Offices being moved from Parliament House to 10 Murray Street and the extra time it takes for Members to get from their offices to the Chamber. The Committee has previously recommended that the Division Bells be rung for five minutes because of this situation.

When forming a Quorum under the current rules, after the Bells have been rung for two minutes the Speaker counts the House and if a Quorum is not present, must adjourn the House. Because of the extra distance and therefore time taken for Members to get to the Chamber with the existing temporary office arrangements the Committee recommend that the time for the Division Bells to be rung under Standing Order 37 be five minutes.

Recommendation: That for the remainder of this Session, in Standing Order 37 the word “two” be left out and the word “five” be inserted.

Currently the Bells are rung for three minutes before the House is due to meet at 10.00 am and 2.30 pm or at any other time which may be appointed by the House. There were concerns raised that those Members located in 10 Murray Street should have extra time to attend in the Chamber when the Bells ring. The Committee considered the matter and agreed that as the sitting times are well known in advance of when the Bells are due to be rung that three minutes is sufficient, unlike when there is no warning of them ringing at times such as Divisions or Quorums.

Standing Order 386

This Standing Order refers to the establishment of a Public Accounts Committee in the House of Assembly. A Public Accounts Committee existed in various forms in the House of Assembly exclusively from the 1880's until the passing of the Public Accounts Committee Act of 1970 which set up the Committee under legislation, setting out its terms of reference and its powers as a Joint Standing Committee, thus making this Standing Order redundant.

Recommendation: That Standing Order 386 be repealed.

**M. R. POLLEY
CHAIR OF THE COMMITTEE
25 August 2010**

Appendix

Joint Standing Committees on Community Development and Environment, Resources and Development

- (1) That for the remainder of this Parliament, the Joint Standing Committees on Community Development and Environment, Resources and Development be re-established, to inquire into and report upon any issues and legislative proposals arising within the scope of the Committees as set out below —
- (2) Scope of the two Committees —
 - (a) Community Development Committee
 - Health, welfare, education, justice and law;
 - Sports and recreation;
 - Racing and gaming;
 - Public sector operations;
 - Arts, cultural development; and
 - Community quality of life.
 - (b) Environment, Resources and Development Committee
 - Government Business Enterprises;
 - Regulation of business, commerce and industrial relations;
 - Economic and finance development;
 - Environment and land use planning;
 - Natural resources – forestry, mining and fisheries;
 - Energy;
 - Tourism;
 - Transport; and
 - Primary Industry.
- (3) Each committee shall consist of eight members.
- (4) The membership of each of the Committees shall be as follows:
 - (a) Legislative Council:
Four Members appointed by the Council
 - (b) House of Assembly:
Four Members appointed by the House
(two nominated by the Government;
one nominated by the Opposition; and
one nominated by the Tasmanian Greens).
Members who are not members of the Committees may participate in proceedings by asking questions of witnesses at the discretion of the Chair, but may not vote, move any motion or be counted for the purposes of a quorum.
- (5) Each member of the Committees shall have a deliberative vote only.

(6) (a) It shall be open to any member of a Committee to nominate in writing to the Chair of the Committee a proxy to attend any meeting of the Committee on behalf of the member. A proxy member shall exercise all the rights of an appointed member including voting rights at any meeting of a Committee.

(b) If a permanent vacancy occurs in the membership of a Committee either House shall, where appropriate, appoint a member in substitution.

(7) A quorum for any meeting of a Committee shall be three (of whom one is the Chair of the Committee or Deputy Chair) when the Committee is hearing evidence but shall be four when deliberating and such deliberative quorum shall not consist exclusively of Members of one House only.

(8) References can be made to the Committees in the following manner —

(a) by Resolution of either House; or

(b) by a Minister of the Crown; or

(c) by the Committee's own motion (including public submissions).

(9) (a) Except as provided in (b), the Committees shall conduct all their affairs in public unless the Committee by majority vote determines it is in the public interest to take evidence and/or deliberate in private.

(b) In deliberating or in taking evidence on matters which are “commercial-in-confidence” the Committee shall sit in private.

(10) That the Committees have the power to send for persons and papers, with leave to sit during any adjournment of either House exceeding fourteen days, with leave to adjourn from place to place and with leave to report from time to time.

(11) (a) A response by the Government to the recommendations contained in a Report of a Joint Standing Committee established in accordance with this Order shall be laid upon the Table of the House within four months of the Report having been brought up, provided, that should the Parliament not be sitting, the response may be lodged with the Clerk of each House for Tabling on the next sitting day.

(b) A response that is given to the Clerks under (a) is taken to have been published by order, or under the authority, of the Houses of Parliament.

And that the Minutes of Proceedings of, evidence taken by, and references made to the Committees by previous Resolutions be referred.